

- UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

4. The genuineness of the four letters and, more specifically, the genuineness of the signatures on them constitutes a central issue in this litigation.

5. As stated by the Court of Appeals in its decision of August 17, 2022, “[d]ecidedly non-ecclesiastical questions of fact remain. For example, did the purported signatories actually sign the letters? Were the December 10 and January 11 letters stamped with Metropolitan Hilarion's seal? If so, who stamped them? ... More broadly, did Belya forge the letters at issue?” (p. 27). A true copy of the Court of Appeals’ decision is annexed hereto as **Exhibit B**.

6. As set forth in the Complaint, the four letters (“***Four Letters***”) are as follows:

(a) “**Hilarion’s December 10 Letter to Kirill**.” This letter, dated December 10, 2018, is from Metropolitan Hilarion to Patriarch Kirill. The relevant content of the letter (in English) is set forth in paragraph 28 of the Complaint (**Exhibit A**), as follows:

“On December 6-10, the meeting of the Synod of Bishops of the Orthodox Church Outside of Russia in expanded format took place in New York. I am happy to share the joyful news – by a majority vote two Vicar Bishops have been elected to the diocese entrusted to me. They are most worthy candidates.

...

Archimandrite Alexander (Belya) – the hegumen of Stavropegic Monastery of St. Nicholas in Fort Myers, the Archpriest of the Cathedral of St. Matrona of Moscow in Miami, the head of the Diocese of Florida, elected as the Bishop of Miami.”

A true copy of Hilarion’s December 10 Letter to Kirill is attached hereto as **Exhibit C**.

(b) “**Hilarion’s December 10 Letter to Belya**.” This is a letter dated December 10, 2018, from Metropolitan Hilarion to Plaintiff Belya. The relevant content of the letter (in English) is set forth in paragraph 31 of the Complaint (**Exhibit A**), as follows:

“I hereby inform you that at the meeting of the Synod of Bishops of the Russian Orthodox Church Outside of Russia on December 6 this year, your candidacy has been considered and by a majority vote you have been elected the Vicar Bishop of the Eastern American diocese for the state of Florida. The members of the Synod pointed out the need to preserve the traditions of the Russian Church Outside of Russia, namely:

1. *The calendar published by the Cathedral the Julian Calendar dates should be included.*
2. *To discontinue the practice of general confession at the Cathedral of St. Matrona of Moscow in Miami.*
3. *The Cathedral of St. Matrona of Moscow should be registered according to the Statute of the Russian Orthodox Church Outside of Russia.*
4. *The Easter service should be performed in white vestments.*

After your correction of all the comments, the date of episcopal consecration will be set."

A true copy of Hilarion's December 10 Letter to Belya is annexed hereto as **Exhibit D**.

(c) **"Gavriil's Letter."** This is a letter from Archbishop Gavriil to Metropolitan Hilarion of January 2019. The relevant content of Gavriil's Letter (in English) is set forth in Paragraph 33 of the Complaint (**Exhibit A**), as follows:

"I have had the opportunity to check the comments indicated at the Synod and hereby confirm that all of them have been corrected within the shortest possible time. In this regard, I do not see any obstacles to approve the date of consecration of Archimandrite Alexander (Belya), elected as the Vicar Bishop for Miami, of which I hereby inform Your Eminence."

A true copy of Gavriil's Letter is annexed hereto as **Exhibit E**.

(d) **"Hilarion's January 11 Letter to Kirill."** This is a letter from Metropolitan Hilarion to Patriarch Kirill, dated January 11, 2019. The relevant content of the letter (in English) is set forth in paragraph 34 of the Complaint (**Exhibit A**), as follows:

"I hereby respectfully inform Your Holiness that at the latest expanded meeting of the Archbishop Synod of the Russian Orthodox Church Outside of Russia (December 6-10, 2018) Archimandrite Alexander (Belya) – hegumen of Stavropegic Monastery of St. Nicholas in Fort Myers, the Archpriest of the Cathedral of St. Matrona of Moscow in Miami, the head of Diocese of Florida district – was elected as Bishop of Miami, Vicar of the Eastern American Diocese.

At the same meeting, the member of the Synod recommended Archimandrite Alexander correct several comments. Since Father Alexander has corrected everything

within the shortest time possible, I hereby ask Your Holiness to approve this candidacy at the next meeting of the Holy Synod of the Russian Orthodox Church."

A true copy of Hilarion's January 11 Letter to Kirill is annexed hereto as **Exhibit F**.

7. Attached hereto as **Exhibit G** is a true copy of the Answer filed by the Defendants in this action. In their Answer, Defendants denied the authenticity of each of the Four Letters, as follows:

(a) In paragraphs 28 and 29 of the Answer, Defendants stated that they deny the authenticity of Hilarion's December 10 Letter to Kirill.

(b) In paragraph 31 of the Answer, Defendants stated that they deny the authenticity of Hilarion's December 10 Letter to Belya.

(c) In paragraph 33 of the Answer, Defendants stated that they deny the authenticity of Gavriil's Letter.

(d) In paragraphs 34 and 35 of the Answer, Defendants stated that they deny the authenticity of the Hilarion's January 11 Letter to Kirill.

8. On November 6, 2023, Plaintiff served Requests for Admissions ("Requests") on Defendants Olkhovsky, Potapov, Lukianov, Straut, Antchoutine, Temidis, Gan, Dmitrieff, Eastern American Diocese of the Russian Orthodox Church Outside of Russia ("EAD"), and the Synod of Bishops of the Russian Orthodox Church Outside of Russia (the "Synod"). True copies of the Requests are annexed hereto, collectively, as **Exhibit H**. The Requests are identical in all respects other than the name of the specific Defendant to whom each is addressed.

9. The Requests asked each Defendant to admit the genuineness of each of the Four Letters and the genuineness of the signatures on these letters. The Four Letters were annexed to the Requests for Admission as Exhibits A through D.¹

¹ The Request for Admission also requested that Defendants admit the genuineness of another document (annexed to the Request as Exhibit E), but that document is not at issue in this motion.

10. Specifically, each of the Requests asked Defendants as follows:

- “Admit the genuineness of the document, and of the signature thereon, annexed hereto as Exhibit A [*i.e.*, Hilarion’s December 10 Letter to Kirill];”
- “Admit the genuineness of the document, and of the signature thereon, annexed hereto as Exhibit B [*i.e.*, Hilarion’s December 10 Letter to Belya];”
- “Admit the genuineness of the document, and of the signature thereon, annexed hereto as Exhibit C [*i.e.*, Gavriil’s Letter];” and
- “Admit the genuineness of the document, and of the signature thereon, annexed hereto as Exhibit A [*i.e.*, Hilarion’s January 11 Letter to Kirill].”

11. On December 5, 2023, Defendants served their Responses to the Requests (“Response” or “Responses”). True copies of the Defendants’ Responses are attached hereto collectively as **Exhibit I**. As to each of the Requests, above, each Defendant answered with a single word: “*Denied*.” All together there were forty one-word denials – ten defendants, four denials each. Defendants interposed no objections to the Requests.

12. The parties then proceeded to depositions. As Plaintiff’ counsel I spent many hours preparing for the ten depositions, with significant portion of the preparation spent on dealing with the threshold issue of the case: whether the Four Letters and the signatures on them were genuine. Given each Defendant’s flat-out denial that the letters and signatures were genuine, my preparation for examining the Defendants on this issue was critical and substantial. Each Defendant was deposed over a two-month period between February 13 and April 15, 2024.

Testimony of Olkhovsky

13. Attached hereto as **Exhibit I** are true copies of relevant excerpts from the deposition of Defendant Olkhovsky.

14. As to Hilarion's December 10 Letter to Kirill, Olkhovsky testified that the signature and the seal are both genuine and that he does not contend that someone other than Hilarion wrote the letter. [p. 46, ln. 9 – p. 47, ln. 24].

15. As to Hilarion's December 10 Letter to Belya, Olkhovsky testified that the signature is genuine, and that he cannot say who placed the seal on the letter or who wrote the letter. [p. 47, ln. 25 – p. 49, ln. 5].

16. As to Gavriil's Letter, Olkhovsky testified that it contained Gavriil's signature but that he did not "see him sign it." When pressed, Olkhovsky conceded that he does not contend in this litigation that Gavriil did not sign the letter. [p. 50, ln. 8 - p. 51, ln. 3].

17. As to Hilarion's January 11 Letter to Kirill, Olkhovsky testified that Hilarion's signature on the letter is genuine. [p. 52, lns. 2 – 18].

Testimony of Potapov

18. Attached hereto as **Exhibit K** are true copies of relevant excerpts from the deposition of Defendant Potapov.

19. As to Hilarion's December 10 Letter to Kirill, Potapov testified that he has no reason to believe that the signature was not that of Hilarion. [p. 58, ln. 2 – p. 59, ln. 6]. Potapov sought to imply that Hilarion had signed the letter in blank, but, when asked directly, admitted that he had no proof that Hilarion had done so. [*Id.*].

20. As to Hilarion's December 10 Letter to Belya, Potapov testified that he had no reason to believe that Hilarion's signature was not genuine. [p. 67, lns. 16 – 25]. He also testified that he had *never seen* this letter before. [p. 68, lns. 2 – 4]. (This, having denied the genuineness of Hilarion's signature on this very letter months earlier in his Response to the Request for Admission).

21. As to Gavriil's Letter, Potapov testified that he "couldn't say" whether Gavriil had signed the letter; that he had "no way of knowing" whether he did sign it; that he had never spoken to Gavriil about the letter. When asked whether he had "any reason to believe that Archbishop Gavriil didn't write the letter," Potapov responded that he had "no way of knowing." [p. 70, ln. 2 – p. 71, ln. 19].

22. As to Hilarion's January 11 Letter to Kirill, Potapov testified that he had never seen this letter before (again, having denied the letter's and the signature's genuineness in his Responses to Requests for Admission) [p. 73, ln. 12 – p. 74, ln. 10]. He also testified that he had no reason to believe that the signature on the letter is not genuine. [*Id.*].

Testimony of Straut

23. Attached hereto as **Exhibit L** are true copies of relevant excerpts from the deposition of Defendant Straut.

24. As to Hilarion's December 10 Letter to Kirill, Straut testified that the first time he had seen this letter was the day before his deposition, in preparation with counsel. [p. 37, lns. 4–17]. The deposition took place on February 16, 2024, *more than two months* after Straut denied the genuineness of the letter and Hilarion's signature in his Responses to the Requests for Admission. Straut also testified that he did not know whether anyone other than Hilarion wrote the letter, signed it or placed the seal on it. [p. 63, ln. 2 – p. 64, ln. 5].

25. As to Hilarion's December 10 Letter to Belya, Straut testified that the first time he saw the letter was in preparation with counsel the day before his deposition. [p. 64, ln. 13 – p. 65, ln. 13]. When asked whether he had any reason to believe that Hilarion did not write or did not sign the letter, Straut said, "I do not know." [p. 66, lns. 6–13].

26. As to Gavriil's Letter, Straut testified that he did not know whether Gavriil's signature was genuine and that he had never discussed the letter with Gavriil. [p. 68, ln. 4 – p. 69, ln. 20].

27. As to Hilarion's January 11 Letter to Kirill, Straut testified that the first time he saw the letter was in preparation for his deposition the day before. [p. 70, lns. 6 - 20]. He also responded, "I do not know," when asked whether he had any reason to believe that Hilarion did not write or sign the letter. [*Id.*].

28. What is particularly remarkable about Straut's testimony is that he had denied in his Answer the genuineness of Hilarion's letters, and also denied in his Responses to the Requests for Admission the genuineness of both the letters and Hilarion's signature – *all without having actually seen the letters themselves.*

Testimony of Antchoutine

29. Attached hereto as **Exhibit M** are true copies of relevant excerpts from the deposition of Defendant Antchoutine.

30. As to Hilarion's December 10 Letter to Kirill, Antchoutine's testimony was unambiguous. He testified that the letter, the signature and the seal were all genuine. [p. 94, ln. 18 – p. 96, ln. 6].

31. As to Hilarion's December 10 Letter to Belya, Antchoutine's testimony was equally clear: the signature and the seal are genuine. [p. 96, ln. 7 – p. 97, ln. 4].

32. As to Gavriil's Letter, Antchoutine testified that it "appears to be signed" by Gavriil, but that he does not know whether it is a genuine signature, even though "it looks like it, but that's the only thing I could say. It looks like Fr. Gabriel's signature." [p. 97, lns. 5 – 23].

33. As to Hilarion's January 11 Letter to Hilarion, Antchoutine confirmed that it was signed by Hilarion. [p. 98, lns. 6 – 15].

Testimony of Dmitrieff

34. Attached hereto as **Exhibit N** are true copies of relevant excerpts from the deposition of Defendant Dmitrieff.

35. As to Hilarion's December 10 Letter to Kirill, Dmitrieff testified that the first time he had seen that letter was "in counsel a few days ago," and that had not seen it "before the last few days." [p. 70, ln. 13 – p. 71, ln. 6]. As was the case with Straut and Potapov, Dmitrieff denied the genuineness of the letter and Hilarion's signature both in his Answer and his Responses to the Requests for Admissions without ever having actually seen the letter. Dmitrieff further testified that he "cannot say" that the signature of Hilarion on the letter is not genuine. [p. 71, ln. 13 – p. 72, ln. 9]. When pressed, after a long back and forth, during which Dmitrieff sought to suggest that Hilarion did not know what he was signing because of illness, Dmitrieff testified as follows:

Q: Do you dispute that the signature is genuine?

A: I don't know.

Q: So, the answer is no, you don't dispute, because you don't know, correct?

A: Correct, correct.

[p. 78, lns. 5 – 16].

36. As to Hilarion's December 10 Letter to Belya, Dmitrieff testified that he saw the letter for the first time with counsel a few days ago. [p. 78, ln. 19 – p. 79, ln. 17]. He testified that he could not say one way or another whether Hilarion had signed the letter, because he was "not present" when it was signed." [p. 79, ln. 18 – p. 80, ln. 4]. He speculated that the letter could have been "photoshopped," but admitted that he had no evidence of any such photoshopping. [p. 80, lns. 5 – 19]. Dmitrieff agreed that the seal on the letter "is the seal of the Metropolitan," but said he did not know whether Hilarion had placed the seal on the letter." [p. 81, lns. 5 – 16]. Finally, Dmitrieff said he did not know if anyone other than Hilarion wrote the letter. [p. 81, lns. 18-25].

37. As to Gavriil's Letter, Dmitrieff testified that he had not seen the letter until just before his deposition, but that the signature appears to be Gavriil's signature. [p. 82, ln. 3 – p. 83, ln. 2].

Later in the questioning, Dmitrieff suggested that Gavriil's signature could have been "affixed," but admitted that he was merely stating a "possibility," that he "was not there present" and did not know. [p. 84, ln. 16 – p. 85, ln. 14].

38. As to Hilarion's January 11 Letter to Kirill, Dmitrieff again testified that he had not seen that letter until just before the deposition, and that he did not know whether the signature was that of Hilarion. [p. 87, ln. 3 – p. 89, ln. 17]. Dmitrieff stated: "*These particular letters you showed me, I've not even [seen them] before. Talking about these letters.*" [Id.]. Yet, these were the very letters whose genuineness and signatures Dmitrieff had expressly and unqualifiedly denied both in his Answer and in his Responses to the Requests for Admission.

Testimony of Lukianov

39. Attached hereto as **Exhibit O** are true copies of relevant excerpts from the deposition of Defendant Lukianov.

40. Concerning Hilarion's December 10 Letter to Kirill, Lukianov testified as follows:

Q: *Paragraph 29 [of the Complaint] says, the December 10th letter was signed by Hilarion and stamped with his official seal. ... Is it your testimony that that is false?*

A: *I cannot verify that that's his signature.*

Q: *So you don't know is the point, right?*

A: *Correct.*

[p. 77, lns. 10 – 23].

41. Concerning Hilarion's December 10 Letter to Belya, Lukianov testified that "it looks like his [Hilarion's] signature." [p. 78 ln. 2 – p. 80, ln. 16].

Q: *My question is very straightforward, it is your testimony that this signature is not genuine: yes, no, or I don't know.*

A: *I don't know.*

[p. 80, lns. 11 – 16]. Lukianov sought to claim that someone other than Hilarion had written the letter, but when pressed, admitted that he did not know.

Q: *The point is, you don't know whether Hilarion wrote this letter, correct?*

A: *Correct.*

[p. 82, lns. 17 – 20].

42. Concerning Gavriil's Letter, Lukianov testified that the signature on the letter was genuine, that he believed that Gavriil had signed the letter, but that the letter was false in substance and that Gavriil had *knowingly signed a false letter*. [p. 83, ln. 6 – p. 85, ln. 22].

43. Concerning Hilarion's January 11 Letter to Kirill, Lukianov testified that the signature of Hilarion on it is "genuine," that he does not believe that someone other than Hilarion had written the letter, and that the seal on the letter is genuine. [p. 85, ln. 23 – p. 88, ln. 2].

Testimony of Gan

44. Attached hereto as **Exhibit P** are true copies of relevant excerpts from the deposition of Defendant Gan.

45. Concerning Hilarion's December 10 Letter to Kirill, Gan testified that "it looks like his [Hilarion's] signature," but that he did "not know if he signed it or not." [p. 40, ln. 23 – p. 41, ln. 7; p. 45, ln. 22 – p. 46, ln. 14]. Concerning the seal on the letter, Gan testified that this was Hilarion's personal seal, but that he did not know who placed it on the letter. [p. 46, lns. 15-22]. The seal, according to Gan, was kept in Hilarion's desk in his personal office, where he also lived, and that the office was kept locked. [p. 47, ln. 3 – p. 48, ln. 22].

46. Concerning Hilarion's January 11 Letter to Kirill, Gan testified that the signature "looks like his [Hilarion's] signature," but that he "questions" the letter because it was "unauthorized by the Synod of Bishops." [p. 53, ln. 14 – p. 55, ln. 8].

Q: *I understand that you question the letter. My question is about the signature. It is your testimony that somebody other than Metropolitan Hilarion signed this letter?*

A: *I don't know.*

[*Id.*]. Gan further testified that the seal on the letter was Hilarion's personal seal, but that he didn't know who placed the seal on the letter because he "was not present when this letter was composed." [p. 55, lns. 9 – 23].

47. Concerning Hilarion's December 10 Letter to Belya, Gan testified that the signature "looks like" Hilarion's signature, but that, because he "wasn't there when it was written," he did not know whether Hilarion had in fact signed it. [p. 87, ln. 9 – p. 88, ln. 11]. Gan testified that he recognized the seal, but did not know who placed the seal on the letter because he "was not present." [p. 88, lns. 12 – 20].

48. On the subject of Gavriil's Letter, Gan was shown an email, which is attached hereto as **Exhibit Q**, in which Gan wrote that Gavriil had "admitted to signing" Gavriil's letter. When asked to confirm which specific letter had Gavriil admitted to have signed, Gan confirmed that it was indeed Gavriil's Letter. [p. 124, ln. 16 – p. 127, ln. 23]. Notably, Gan's email is dated September 4, 2019. And yet, having had Gavriil's own confession that he had signed the letter, Gan nevertheless denied the letter's authenticity in the Answer and in his Responses to the Requests for Admissions.

Testimony of Temidis

49. Attached hereto as **Exhibit R** are true copies of relevant excerpts from the deposition of Defendant Temidis.

50. Regarding Hilarion's December 10 Letter to Kirill, Temidis testified as follows:

Q: Is it your testimony that the signature of Hilarion at the bottom of the letter is forged?

A: No.

Q: Is it your testimony that that is not Metropolitan Hilarion's signature?

A: No.

Q: You see this seal there?

A: Yes.

Q: Is it your testimony that the seal is false?

A: No.

Q: *Is it your testimony that somebody other than Metropolitan Hilarion placed the signature on this letter?*

A: No.

Q: *Is it your testimony that somebody other than Metropolitan Hilarion wrote this letter?*

A: *I can't answer that. I wasn't there when he wrote it, if he wrote it. The style of the letter and the language in the letter would -- would cause me to question it.*

Q: *So you would question whether or not Metropolitan wrote the letter. But you would not question whether he signed the letter. Is that your testimony?*

A: *All I can say is that looks just like his signature. So I can't dispute his signature.*

[p. 37, ln. 10 – p. 38, ln. 22].

Q: *What evidence do you have that someone other than Metropolitan wrote this letter?*

A: *None. I am trying to explain a letter that doesn't make sense.*

Q: *Well, maybe Hilarion knew better than you. Is that possible?*

A: *Of course.*

[p. 42, lns. 16 – 23].

51. Regarding Hilarion's December 10 Letter to Belya, Temidis testified that he accepts that Hilarion's signature is genuine, that the seal "looks like" Hilarion's seal and is "probably genuine," and he has "no reason to doubt" that it is genuine. [p. 43, ln. 11 – p. 44, ln. 9].

52. Regarding Gavriil's Letter, Temidis stated that it was not his testimony that the signature was not genuine, and that it "looks just like his [Gavriil's] signature." [p. 51, ln. 22 – p. 52, ln. 2].

53. Regarding Hilarion's January 11 Letter to Kirill, Temidis testified that he accepts the signature to be that of Hilarion; that the seal looks to be that of Hilarion but he does not know who placed it on the letter; and that he believed the letter was transmitted to Kirill, but he does not know by whom. [p. 54, ln. 6 – p. 56, ln. 10].

Testimony of Synod's 30(b)(6) Witness

54. Attached hereto as **Exhibit S** are true copies of relevant excerpts from the deposition of Defendant Synod, by its Rule 30(b)(6) witness, Bishop Irenei ("Irenei").

55. Regarding Hilarion's December 10 Letter to Kirill, Irenei testified as follows:

Q: *Is it the ROCOR Synod's position that the signature on this letter is not genuine?*

A: *The signature looks like the signature of Metropolitan Hilarion.*

Q: *That is not my question. My question is, is it the ROCOR Synod's position that the signature is not genuinely that of Metropolitan Hilarion?*

A: *It's not possible to note that, by examining the letter.*

Q: *So the ROCOR Synod does not have a position on this?*

A: *What I am saying, that it is not possible simply by looking at this, to know whether what does appear to be his signature is actually so.*

Q: *Well ...*

A: *I can repeat it does look like his signature.*

[p. 41, ln. 23 – p. 42, ln. 20].

Q: *Is it your testimony that this letter was forged? Yes or no?*

A: *I cannot say it is forged.*

[p. 45, lns. 17-19].

Q: *Is it your testimony that this letter was forged?*

A: *I cannot answer that in the way you seem to want me to answer it.*

Q: *There is no way I want you to answer. I want you to say yes, no, or I don't know. That's what this answer calls for, not a digression into the supposed irregularities. I understand what you want to say but my question is very precise, Bishop Irenei. If it your testimony that this letter was forged?*

A: *It is a possibility.*

Q: *So you don't know is the answer*

A: *It is a possibility.*

Q: *So you don't know whether this letter was forged, is that correct?*

A: *If that's how you prefer it to be stated, putting words into my mouth that I prefer not to use, then yes, I can say I do not know. ...*

[p. 46, ln. 9 – p. 47, ln. 17].

56. Regarding Hilarion's December 10 Letter to Belya, Irenei testified that the first time he had seen it was "about month or so ago." [p. 51, ln. 7 – p. 52, ln. 3]. The deposition was conducted on March 25, 2024, so the first time Irenei had seen the letter would have been months after his Response to the Requests to Admission, in which he denied the letter's and the signature's genuineness. When asked whether the Synod's denies in this litigation that the letter was signed by Hilarion, Irenei stated: *"I believe the accurate answer is we cannot say. We do not have the means to know for certain whether his signature is authentic, whether it was affixed by him, whether it was affixed to a letter he wrote or that someone else wrote."* [p. 55, lns. 13-18]. *"We can neither affirm or deny the authenticity, that's the nature of not knowing."* [p. 56, lns. 3-5]. *"We cannot know whether he physically signed it or not."* [p. 60, lns. 19-22].

57. Regarding Gavriil's Letter, Irenei testified that the signature "appears to be" that of Gavriil, but that he "do[es] not know" and "can't answer definitively." [p. 66, lns. 5-13]. Irenei repeated several times that "it looks like his signature," but it is "impossible to know." When asked whether it was his position that someone other than Gavriil had placed the signature on the document, Irenei stated, "I do not know the answer to that question." [p. 67., lns. 4-19].

58. Regarding Hilarion's January 11 Letter to Kirill, Irenei testified that he cannot say that the letter was signed by anyone other than Hilarion, but that this was a "possibility" given the "irregularities" in the letter. [p. 69, ln. 19 – p. 70, ln. 20; p. 76, lns. 14-24].

Testimony of EAD's 30(b)(6) Witness

59. Attached hereto as **Exhibit T** are true copies of relevant excerpts from the deposition of Defendant EAD, by its Rule 30(b)(6) witness, Mark Mancuso.

60. Regarding Hilarion's December 10 Letter to Kirill, Mancuso testified that he did not know whether Hilarion had signed it, whether he placed the seal on it, or whether he had written it. [p. 49, ln. 21 – p. 51, ln. 8].

61. Regarding Hilarion's December 10 Letter to Belya, Mancuso testified that he did not know whether anyone other than Hilarion had signed the letter, written the letter or placed Hilarion's seal on the letter." [p. 53, ln. 25 – p. 55, ln. 14].

62. Regarding Gavriil's Letter, Mancuso testified that he did not know whether the signature was genuine, and that it was not his testimony that Gavriil did not write the letter, but that he just did not know. [p. 56, ln. 22 – p. 58, ln. 7].

63. Regarding Hilarion's January 11 Letter to Kirill, Mancuso testified that the first time he had seen it was at the deposition and knew nothing about it. [p. 60, ln. 17 – p. 62, ln. 18].

64. As a consequence of Defendants' failure to provide truthful Responses, the scope of my work as Plaintiff's counsel was increased substantially. I organized discovery and prepared for depositions on the understanding that each of the Defendants was disputing the genuineness of the Four Letters. As any lawyer knows, preparing to depose a witness who has denied that a key document is genuine is very different from preparing for a witness who admits it to be genuine, which, in turn, is different from deposing one who doesn't know one way or the other. Multiply this by ten witnesses – each witness with his own individual position within the organization, his own perspective, his own involvement in the events that led to this action – and the amount of preparation time multiplies substantially, as was the case here. Moreover, had the Responses been truthful, I would have likely not deposed several of the Defendants at all. Not only would legal time not have been expended, but transcript costs not incurred as well. I also spent time consulting with handwriting experts, expecting that one would be needed, given the denials. The time I spent on dealing with issues of genuineness was at the expense of time that could have been spent dealing with other issues in the case. The Defendants' untruthful responses not only increased the amount of legal work, but diverted my work down

a path which Defendants knew was pointless, since none of the Defendants ended up denying the genuineness of the documents come their depositions.

65. I respectfully submit that it is appropriate for Defendants to be held accountable for the consequences of their untruthful Responses.

Dated: May 7, 2024

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Oleg Rivkin', written in a cursive style.

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